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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

REBECCA FRANKS,  
  
Plaintiff,  
  
vs.  
  
BIOMET, INC.; BIOMET  
ORTHOPEDICS, LLC,  
  
Defendants.

Case No.: 2:16-cv-00264-APG-BNW

Honorable Andrew P. Gordon  
Honorable Brenda Weksler

**JOINT STIPULATION TO AMEND  
SCHEDULING ORDER DUE TO  
COVID-19 PUBLIC HEALTH  
EMERGENCY  
(Second Request)**

Case Remanded: December 28, 2018

**ALVERSON TAYLOR & SANDERS**

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BIOMET, INC. and

BIOMET ORTHOPEDICS, LLC

1 Plaintiff Rebecca Franks (“Plaintiff”), together with Defendants Biomet Inc. and  
2 Biomet Orthopedics, LLC (collectively, “Biomet,” and together with Plaintiff, the “Parties”),  
3 by and through their respective undersigned counsel, respectfully move the Court for an  
4 extension of pre-trial deadlines as amended by the Court on February 11, 2020 (Dkt. No. 31)  
5 by approximately five months, due to the coronavirus (COVID-19) public health emergency  
6 in Nevada, California, and other states where the Parties’ counsel and client representatives  
7 are located. In support of their stipulation, the Parties state as follows:

8 1. As this Court knows, this case involves a variety of product liability claims  
9 against Biomet due to Plaintiff’s use of the Biomet M2a Metal-on-Metal Hip Replacement  
10 System. The Parties have actively litigated this case upon remand. Declaration of Theodore  
11 O’Reilly (“O’Reilly Decl.”), ¶ 2. To avoid a repetitive account of this matter’s previous  
12 proceedings in the instant stipulation, the Parties refer the Court to ¶¶ 1-7 in the Parties’  
13 previous Stipulation to Amend Scheduling Order. Dkt. No. 30.

14 2. The United States District Court for the District of Nevada recently  
15 recognized the increasing threat of COVID-19, as acknowledged in the Court’s most recent  
16 General Orders 2020-05 and 2020-04. Due to this ongoing public health crisis, the Parties’  
17 discovery efforts, including fact witness and expert depositions, over the next few months  
18 are severely affected, as Plaintiff’s counsel, Biomet’s counsel, the Parties to this action, and  
19 witnesses, live all over the United States and cannot safely travel due to the risk and travel  
20 limitations posed by COVID-19. Any mediation attendance would be severely affected as  
21 well. O’Reilly Decl., ¶ 3.

22 3. As a result, the Parties hereby stipulate to continue the discovery and other  
23 pre-trial deadlines for approximately five months. O’Reilly Decl., ¶ 4.

24 4. The Parties agree that it would be most productive to conduct these  
25 proceedings and preparation for these proceedings in-person. O’Reilly Decl., ¶ 5.

26 5. This is the Parties’ second request for an extension of deadlines. O’Reilly  
27 Decl., ¶ 6.

6. This request does not affect a trial date, as one has not yet been set. O'Reilly Decl., ¶ 7.

7. This request is not made for the purpose of undue delay. O'Reilly Decl., ¶ 8.

**IT IS HEREBY STIPULATED AND REQUESTED**, by and between the Parties and their respective counsel, that discovery, motion, and other pre-trial deadlines be extended as specified in this stipulation as follows:

- Last date to complete case-specific fact discovery from July 3, 2020 to **December 4, 2020**.
- Last date for Plaintiff to designate and serve expert witness reports for case-specific experts from August 19, 2020 to **January 15, 2021**.
- Last date for Defendants to designate and serve expert witness reports for case-specific experts from September 24, 2020 to **February 25, 2021**.
- Last date to disclose rebuttal experts from October 2, 2020 to **March 5, 2021**.
- Last date to complete case-specific expert discovery from October 29, 2020 to **March 31, 2021**.
- Last date to file motions *in limine* and dispositive motions from December 4, 2020 to **May 7, 2021**.

Dated: April 27, 2020

**FAEGRE DRINKER BIDDLE & REATH LLP**

IT IS ORDERED that ECF No. 33 is GRANTED in part and DENIED in part. It is granted to the extent that the Court will extend the discovery deadlines but it is denied to the extent the parties are requesting roughly an additional five months. The Court will extend the discovery deadlines in this case by 90 days. If the parties need additional time beyond this for discovery, they may request another extension.

By: /s/ Theodore O'Reilly

Tarifa B. Laddon (*Pro Hac Vice*)

Theodore O'Reilly (*Pro Hac Vice*)

Attorneys for Defendants  
BIOMET, INC. and BIOMET ORTHOPEDICS, LLC

IT IS SO ORDERED

DATED: April 28, 2020

  
BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE

1 Dated: April 22, 2020

JAMES R. CHRISTENSEN P.C.

2 By: 

3 James R. Christensen

4 Attorneys for Plaintiff  
5 REBECCA FRANKS  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that service of the foregoing pleading or paper was sent via electronic service on April 27, 2020, to the following attorneys of record:

James R. Christensen  
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/s/ Rosie Garcia-Zapatero  
Rosie Garcia-Zapatero